

From: Bryan Sweetland – Cabinet Member – Environment, Highways & Waste
Caroline Arnold – Director of Waste Resource Management

To: Environment, Highways & Waste Cabinet Committee

Date: 15 November 2012

Subject: Kent Joint Municipal Waste Management Strategy: Refresh of Policies

Classification: Unrestricted

Summary: The Waste & Emissions Trading Act 2003 requires that councils in two tier areas put in place a Joint Municipal Waste Management Strategy (JMWMS). This seeks to support partnership approaches to deliver better outcomes for taxpayers between Waste Disposal Authorities (such as Kent County Council) and Waste Collection Authorities (district and borough councils). The first Kent JMWMS was adopted by all 13 councils in 2007. This report outlines the process and activities undertaken to refresh the policies in the Kent JMWMS so they are up-to-date and relevant for the period 2012 to 2020. The very good relationships fostered between the 13 councils through the auspices of the Kent Waste Partnership (KWP) are such that refreshing and retaining the KJMWMS is desirable for our own business purposes irrespective of the legal requirement.

Recommendations: Members are requested to consider the refreshed KJMWMS objectives and policies 2012/13 to 2020/21 contained in Annex 1 and support these as the policies for this Council.

1. Introduction

This report confines itself to the strategic framework needed to ensure all 13 Kent councils carry out their waste disposal and waste collection functions according to three key aims: -

1. Compliance with legal requirements for devising local JMWMSs (as specified in the Waste & Emissions Trading Act 2003).
2. Ensuring the Kent JMWMS delivers financial, performance, and environmental benefits to all 13 Kent councils and, accordingly, for taxpayers. Meeting these needs to the satisfaction of the 13 sovereign councils is a key function of the Kent JMWMS.
3. Creating the right set of strategic objectives and policies in the Kent JMWMS to drive forward projects over the next eight years across the 13 councils and with partners in commerce and industry.

Through the auspices of the Kent Waste Partnership (KWP) all 13 councils' portfolio holders responsible for WDA and WCA functions have discussed, considered and amended the refreshed objectives and policies at Annex 1 over the last 18 months. This included extensive consultation with stakeholders whom supported the KWP's direction and refreshed policies. The objectives and policies are now being recommended for adoption by all 13 councils.

2. Financial Implications

Adopting the policies at Annex 1 does not oblige any of the 13 Kent councils to commit specific funding. Nor is there expected to be an adverse financial impact as a result of adoption. The local implementation of the refreshed policies is designed to create opportunities for councils to avoid future costs as a result of partnership working between the WCAs and/or with the WDA. Local implementation of policies will require negotiation on a case-by-case basis, and where business cases merit examination.

In respect of the recycling and composting target of 50% by 2020, a financial implication could arise if the country as a whole does not meet the target. This is because the Government has legalised the passporting of any EU fines direct to those councils whom do not, themselves, achieve the 50% target. More information on this is contained in the 'Legal Implications' section below. Suffice to say that the purpose of the 50% target is as much about protecting taxpayers' financial interests as it is about environmental performance.

3. Bold Steps for Kent and Policy Framework

Adoption of the refreshed KJMWMS objectives and policies at Annex 1 directly supports the aims of 'Bold Steps for Kent' by continuing efforts across the 13 councils to avoid significant public expenditure whilst also improving performance. The KWP's activities across the 13 councils and with commerce and industry is innovative and sets Kent out as a 'peer leader' in accord with the ambitions set out in 'Bold Steps'.

There is a legal requirement under the Waste & Emissions Act 2003 for councils in two-tier areas to have in place a local JMWMS. The KWP ensures the Kent JMWMS is used as a key tool to deliver local financial, performance, and environmental benefits in accord with the policy frameworks of all 13 councils.

4. The Report

Achievement of the 2007 KJMWMS Targets

- 4.1 All 13 Kent councils comprise the Kent Waste Partnership (KWP). It has been in place since 2007 and is now recognised as a national peer leader in deriving firm benefits from partnership working between councils and wider stakeholders. The 13 portfolio holders with responsibility for recycling and waste services form the KWP Members Board. Directors and heads of service form the KWP Officers Advisory Group. Each group meets three times a year to take forward all policies and issues relating to the 13 councils' recycling and waste functions.
- 4.2 The first KJMWMS was adopted by all 13 Kent councils in 2007. It amounts to some 1,000 pages of technical data and supporting information but the crux of it was to put in place a range of policies and targets that all 13 councils adopted as a whole. These are at Annex 2 for Members' information. The original KJMWMS remains extant and is publicly available at www.kent.gov.uk/kwp

- 4.3 Since 2007 the KWP and its constituent councils have worked very hard to achieve the key targets set out in the KJMWMS. These were to achieve a 40% recycling and composting rate across Kent (as a whole) by 2012/13 and for Kent County Council's (KCC's) Household Waste Recycling Centres (HWRCs) to reach a 60% recycling and composting rate. Both of these targets were achieved a year early in 2011/12.
- 4.4 In addition, and this is where the KWP is fast becoming a leader among peers, the amount of waste sent to landfill has reduced dramatically from around 72% in 2005/06 to 22% in 2011/12. Avoidance of waste to landfill is a major contributor to avoiding costs for the Waste Disposal Authority (WDA – Kent CC), and has been a key factor in re-using funds to support the East and Mid Kent projects¹ involving Waste Collection Authorities (WCAs – the district councils).
- 4.5 To achieve the potential for avoiding substantial future costs, the KWP has focused on a two-strand strategy to, firstly, raise its recycling and composting rates (and generating recyclates income) and, secondly, make good use of the Allington Energy from Waste facility to deliver better financial and environmental value from tackling residual waste. Whilst this description simplifies what is often a very challenging and exhaustive process, the value of these two strands to the 13 councils' financial and performance achievements should be recognised as crucial.
- 4.6 The narrative for the KWP's achievements has been set-out in KWP Annual Reports in 2010 and 2011. These are publicly available at www.kent.gov.uk/kwp
- 4.7 There is wide stakeholder praise of the KWP's achievements, which reflects entirely on the activities of the 13 councils to work in partnership.

Refresh of the KJMWMS

- 4.8 Given the achievement of the KJMWMS targets a year early, the significant improvement to infrastructure, and the need to focus on the next set of aims for the 13 councils, the KWP Members Board agreed in 2011 to carry out a refresh of the policies. This refresh would build on the 2007 KJMWMS rather than review or replace it. Thus, the exercise at hand was to consult widely with stakeholders to assess their view of the KWP's direction. It was also to decide for ourselves a reasonable and measured set of ambitions up to 2020 that protected the KWP's (and, hence, the 13 councils) interests.
- 4.9 Since the major district council elections of May 2011, the KWP Members Board has met on five occasions to take forward the refresh of the KJMWMS, among other things. In July 2012, Members decided to 'hit the ground running' by approving an open dialogue with stakeholders on policies and targets.
- 4.10 A consultation exercise took place from 29 August 2011 to 14 November 2011. Stakeholders whom were approached and encouraged to provide comments included: -
- The 13 Kent councils
 - Kent Waste Forum

¹ The East Kent Project involves Canterbury, Dover, Kent, Shepway and Thanet councils. The Mid Kent Project involves Ashford, Kent, Maidstone and Swale councils. Together, it is estimated that avoided costs in excess of £100 million over ten years may be achievable through the advanced partnership working by councils.

- Kent Association of Local Councils
- National Waste Partnerships
- London and south east Councils
- Government Departments
- Waste Companies
- Retailers and Reprocessors
- Civil Society
- Umbrella Bodies
- Public access to the consultation online²

4.11 The details of the consultation, and the issues the KWP sought engagement on from stakeholders, was contained in the KWP Annual Report 2011. Details were published online in August 2011 and also sent to many hundreds of organisations and individuals within the list above.

4.12 The KWP Members Board considered the responses to the consultation in November 2012. This enabled the policy suggestions published in August 2011 to be amended in the lights of responses received. In early 2012, Members decided to reform the policies to reduce the number; to focus outwardly from the councils on the supply chain; and to ensure the overall objectives represented a clear statement of the KWP's ambitions up to 2020.

4.13 As a result of the changes, Members decided to engage with stakeholders one more time on the reformed policies. This exercise took place in April/May 2012. The feedback from the exercise was extremely favourable.

4.14 The KWP Members Board agreed the objectives and policies set-out in Annex 1 on 12 July 2012. These would be considered by all 13 councils individually and recommended for adoption in accordance with local Constitutions.

4.15 In accordance with (and subject to) local practices, the Council's portfolio holder for recycling and waste services, the Council's senior officer, and the KWP Manager will be available to Members to answer questions on this report. A 15-minute presentation at your meeting is also planned with the opportunity for questions.

5. Conclusions

The development of the refreshed objectives and policies at Annex 1 included portfolio Members and senior officers of all 13 Kent councils through the auspices of the KWP. Extensive stakeholder consultation took place in 2011/12. Stakeholder support for the policies and the KWP's strategic direction was strong and unambiguous. Adoption of the objectives and policies enables the Council to continue the groundbreaking work with district councils, commerce and industry to avoid significant costs for taxpayers whilst also improving environmental performance.

6. Recommendations

² It should be noted that the major public consultation on the KJMWMS took place in 2006/07. There were some 2,700 contributions at that time, which influenced the development of the KJMWMS. On this occasion, and because the exercise was a refresh of policies to build on the existing KJMWMS, the main focus was on industry, government, and supply chain stakeholders. The consultation was also publicly available online to any interested parties. However, the implementation of policies would take place at local level, as has happened since 2007, and would continue. Existing practice has been for the 13 councils to carry out public consultations on practical changes to services at the times those changes are proposed.

Members are requested to consider the refreshed KJMWMS objectives and policies 2012/13 to 2020/21 contained in Annex 1 and support these as the policies for the Council.

7. Background Documents

2007 Kent Joint Municipal Waste Management Strategy. This is available publicly at www.kent.gov.uk/kwp

2011 KWP Annual Report and Consultation on Refreshing the Kent Joint Municipal Waste Management Strategy. This is available publicly at www.kent.gov.uk/kwp

8. Contact details

Report Author:

Name: **Paul Vanston**
Title: **Kent Waste Partnership Manager**
Tel No: **01622 605979**
Email: paul.vanston@kent.gov.uk

Head of Service:

Name: **Caroline Arnold**
Title: **Director of Waste Resource Management**
Tel No: **01622 605990**
Email: caroline.arnold@kent.gov.uk

Kent Joint Municipal Waste Management Strategy (KJMWMS) 2012/13 to 2020/21 Policies

Objectives	
1	Deliver the best possible outcomes on materials handled by the KWP from household and other appropriate sources.
2	Deliver the best possible value for money to Kent taxpayers taking account of whole-service costs paid through Council Tax.
3	Secure the best possible outcomes through effective partnership working among the 13 Kent councils, through the SE7 Project, with government, and across the supply chain.

Policies	
1. Materials Security and Resource Efficiency	
1a	By 2015/16 the KWP will reduce household waste arisings by at least 5% (based on 2010/11 levels); recycle/compost at least 45%; and send no more than 10% to landfill.
1b	By 2020/21 the KWP will reduce household waste arisings by at least 10% (based on 2010/11 levels); recycle/compost at least 50%; and send no more than 5% to landfill. Our ambition is to get as close to zero untreated waste to landfill as possible.
1c	The KWP will work with the government, the SE7 Project, and others to develop and deliver a waste reduction plan including practical measures to help achieve policies 1a and 1b. [Added context: In practice this includes national programmes such as the Love Food Hate Waste campaign, 'take back' schemes for bulky items, and re-use in the home.]
1d	The KWP will take account of the need for the right quality of recyclates for the right end uses as included with the revised Waste Framework Directive and transposition into UK legislation. [Added context: In practice this includes co-ordinated activities with the supply chain and Kent residents to ensure quality; encouraging initiatives to improve outcomes on recycling of plastics including HDP, PET and PP; supporting changes to legislation, such as on Packaging & Packaging Export Recovery Notes (PRNs/PERNs) to create a level playing field for domestic reprocessors; and flows of materials to be auditable through to end destinations.]
1e	The KWP will continue its high performance in minimising the use of landfill. The KWP will assist householders to maximise the amounts they recycle and re-use, and avoid putting the following items into residual waste bins: paper, cardboard, glass, metals, wood, plastics, textiles, waste electricals, batteries, and food.

2. Value for Money for Kent Taxpayers	
2a	The KWP will continue its existing efforts to deliver value for money to Kent residents by means of: optimising services financially and environmentally; joint service delivery opportunities between councils; cross-boundary working; economy of scale through procurement exercises; and securing funding from external bodies.
2b	The KWP aspires to put in place separate collections of discarded food for composting on a weekly basis in all districts by 2020; and in at least 8 of the 12 districts by 2015/16 (separate weekly collections) and 10 of the 12 districts (including existing fortnightly collections).
2c	Communications and operational activities will be co-ordinated so that Kent taxpayers gain the best possible value from the investment of their Council Tax payments into local services. [Added context: In practice this includes balancing financial, environmental, and social outcomes wherever possible.]
2d	All eligible Kent councils will sign up to the new generation of household and business 'Recycling & Waste Collection Commitments' and seek to uphold these continually.

3. Supporting Kent's Interests	
3a	The KWP will seek innovations to ensure future services provide the Kent taxpayer with the best value for money. These include exploring the feasibility of collections from commercial premises (particularly SMEs); cross-county working on HWRC's, materials and infrastructure (such as the SE7 Project); and cross-sector working with retailers, brands, reproducers and others.
3b	The KWP will continue its record of influencing the government's policies and laws to protect Kent taxpayers' interests whether by means of responses to consultations; development of Responsibility Deals and appropriate legislation; and securing support from wider audiences on issues of importance to us.
3c	The KWP will promote good practice in relation to health and safety; street scene effectiveness (including enforcement and behavioural change); and value for money (including unit costs and asset effectiveness).
3d	The KWP will maintain a publicly-available Operating Framework that defines its scope, remit and procedures; and review its continued operation at least in 2015 and 2019.
3e	The KWP will continue to produce an Annual Report that outlines the work of the previous financial year in delivering the Kent Joint Municipal Waste Management Strategy and any other activities within its remit.
3f	The Kent Joint Municipal Waste Management Strategy will be refreshed in 2016/17 and 2021/22; or at any other times as agreed by the KWP; or in accordance with any changes in legislation relating to such strategies.

Kent Joint Municipal Waste Management Strategy (KJMWMS) Equalities Impacts Assessment (2012)

KENT COUNTY COUNCIL EQUALITY IMPACT ASSESSMENT

Directorate:

Enterprise and Environment (Kent Waste Partnership)

Name of policy, procedure, project or service

The Kent Waste Partnership (KWP) is refreshing the Kent Joint Municipal Waste Management Strategy which was originally implemented in April 2007.

What is being assessed?

The 15 policies currently included in the Kent Joint Municipal Waste Management Strategy which set out how the Kent Waste Partnership intends to manage municipal solid waste arising up until 2020.

Responsible Owner/ Senior Officer

Paul Vanston, KWP Manager.

Date of Initial Screening

Friday 8th August 2012



Screening Grid

Characteristic	Could this policy, procedure, project or service affect this group less favourably than others in Kent? YES/NO If yes how?	Assessment of potential impact HIGH/MEDIUM LOW/NONE UNKNOWN		Provide details: a) Is internal action required? If yes what? b) Is further assessment required? If yes, why?	Could this policy, procedure, project or service promote equal opportunities for this group? YES/NO - Explain how good practice can promote equal opportunities
		Positive	Negative		
Age	No	Unknown		No	<p>As an overview of potential EIA needs in the future, the outworking of the policies is likely to mean changes in some services managed by Kent's Waste Collection Authorities (i.e. the 12 district councils in Kent) and also the Waste Disposal Authority (Kent County Council).</p> <p>Such changes may include: -</p> <ul style="list-style-type: none"> ▪ the frequencies of recycle and residual collections; ▪ the range of recyclables collected; ▪ the range of bins needed to support better collections; ▪ the need to reduce waste, particularly organics; ▪ changes at Household Waste Recycling Centres; ▪ the need to support the waste hierarchy; and ▪ any other impacts to ensure the Strategy policies deliver the financial, environmental and social improvements for a better Kent.
Disability	No			No	
Gender	No			No	
Gender Identity	No			No	

Race	No		No	<p>The 13 sovereign councils have the legal responsibility to ensure Equalities Impacts Assessments relating to their populations are carried out as part of their usual day-to-day business activities. This is particularly the case when any major service changes that happen from time-to-time are proposed (often at the time of contract renewals every seven to ten years).</p> <p>The need for updating Strategy policies to ensure the 13 Kent councils meet EU and national laws relating to their recycling/waste functions is understood.</p> <p>Thus, whilst this document confirms there is no requirement to undertake a full impact assessment in respect to the Strategy policies, it is acknowledged the 13 Kent councils will continue to carry out local EIAs as appropriate when implementing local changes that impact on residents, including (and especially) the nine protected characteristics.</p>
Religion or Belief	No		No	
Sexual Orientation	No		No	
Pregnancy and Maternity	No		No	
Marriage and Civil Partnerships	No		No	

Part 1: INITIAL SCREENING

Context

The Kent Waste Partnership is a two tier partnership consisting of 12 district and borough councils, which collect domestic waste in Kent and Kent County Council, who dispose of it.

In April 2007 the Kent Waste Partnership developed a Kent Joint Municipal Waste Management Strategy (KJMWMS) which currently serves the purpose of providing a strategic approach to managing municipal solid waste arising over the next 20 years.

Reasons for the KJMWMS refresh are as follows;

- The economy, technologies and markets have changed dramatically since 2007.
- The European Union (EU) Waste Framework Directive was transposed into national law in March 2011. This impacts on the KWP in three main ways:-
 1. The 'waste hierarchy' is now law.
 2. A national 'waste prevention plan' must be put in place by 2014.
 3. All councils must provide recycling services for glass, metals, paper and plastics by 2015 – either at the kerbside or using bring banks.
- The government published the results of its own national review of waste policies in June 2011. This followed an exercise lasting a year where the Government sought views on its policies.

Aims and Objectives

The Consultation on refreshing the KJMWMS was published on Friday 19 August 2011. The original deadline of Friday 28th October 2011 was extended to Monday 14th November 2011 due to following reasons;

- Extended from 10 weeks to 12 to permit extra time for some consultees whom had asked for it.
- As some consultees had asked for an extension, it was offered to everyone.
- An opportunity to encourage more responses as well as demonstrating support to stakeholders by offering an extension.

The Consultation compares the 20 original policies set within the KJMWMS with the KWP's 30 suggested ways forward up until 2020.

The target audience for this Consultation was the Kent Waste Forum. (Stakeholders of the Kent Waste Partnership.) This includes all Kent district councils, Kent County Council, retailers, reprocessors, 'civil society' organisations, community sector and a host of other interested parties. The Consultation was sent to all stakeholders via email as well as being uploaded publicly on the Kent Waste Partnership's web pages. (www.kent.gov.uk/kwp)

Taking on board the feedback received, the KWP's 'suggested ways forward' were condensed into 15 policies and were agreed at the KWP Members Board on 12 July 2012. Changes made were subtle but it was felt an updated EIA was appropriate to ensure issues were appropriately examined again.

Beneficiaries

By refreshing the KJMWMS in 2011/12 allows the Kent Waste Partnership to take stock of its current performance compared to the original aims and policies stated in the KJMWMS.

It also allows the Kent Waste Partnership to reassess its strategic position in terms of the European Union (EU) Waste Framework Directive and digesting the government's recent publication on the national review of waste policies in June 2011, updated technologies and other factors.

The 'KWP's suggested ways forward' addressed in the Consultation are with the intention of benefiting three key areas;

- The Kent taxpayer
- Environment
- KWP Performance

Consultation and data

The target audience for the KJMWMS Consultation consisted of the following;

- Kent Councils
- Kent Waste Forum
- Kent Association of Local Councils
- National Waste Partnerships
- London and south east Councils
- Government Departments
- Waste Companies
- Retailers and Reprocessors
- Civil Society
- Umbrella Bodies
- Public access to the consultation online.

Potential Impact

From the KWP's updated policies, it is considered there will be substantial financial benefits to all Kent taxpayers, as well as improved environmental performance by the councils. Achieving these benefits may require local changes to some services in some areas. Where this is required, equality impact assessments will be taken forward by each of the sovereign councils as part of their own activities in delivering high quality services to the public.

JUDGEMENT

Option 1 – Screening Sufficient

YES

Following this screening our judgement is that no further action is required in terms of the KJMWMS refresh of policies.

Justification:

Using the Equalities Impact Assessment tool allows the Kent Waste Partnership to calculate whether the suggested policies have any direct or indirect adverse/negative impacts to people.

From the evidence above, the Kent Waste Partnership's refreshed strategy will deliver substantial financial and environmental performance benefits to Kent taxpayers. Where local implementation of the policies requires some changes to some services in some areas, the sovereign councils will take forward equalities impacts assessments as appropriate as part of their usual activities.

Option 2 – Internal Action Required

NO

There is potential for adverse impact on particular groups and we have found scope to improve the proposal

Option 3 – Full Impact Assessment

NO

Only go to full impact assessment if an adverse impact has been identified that will need to undertake further analysis, consultation and action

Equality and Diversity Team Comments

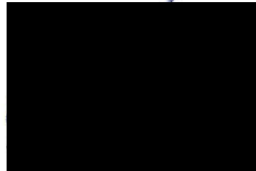
Local implementation of the refreshed KJMWMS policies may require some changes to some services in some areas. Where this is required to meet EU and national laws relating to the delivery of recycling/waste services, equalities impacts assessments will be carried out by the sovereign councils as part of their normal activities to deliver high quality services to the public.

Therefore recognising this, no further action is required on the strategy itself, but EqIAs should be carried out locally as appropriate.

Sign Off

I have noted the content of the equality impact assessment and agree the actions to mitigate the adverse impact(s) that have been identified.

Senior Officer



Signed:

Name: Paul Vanston

Job Title: Manager, Kent Waste Partnership; and Business Development
Manager, South East 7 Waste Programme

Date: 30 August 2012

DMT Member



Signed:

Name: Caroline Arnold

Job Title: Head of Waste Management, Kent CC

Date: 06 September 2012